

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13628 of Pedro and Paulo Petrovitch, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot as accessory parking for an auto repair shop in an R-5-B District at the premises 1309-1311 P Street, N.W., (Square 241, Lots 800 and 801).

HEARING DATE: December 16, 1981

DECISION DATE: January 6, 1982

FINDINGS OF FACT:

1. The subject lots 801 and 800 are located on the north side of P Street between 14th Street and Kingman Place, N.W., and are known as 1309 and 1311 P Street, N.W. They are in an R-5-B District.

2. The applicants operate an auto repair shop of three stories in height at the northeast corner of the intersection of 14th and P Streets, N.W. The subject parking lot is located directly east of the repair shop and separated from it by a ten foot public alley.

3. The lot is forty feet wide by 120 feet deep. It contains spaces for thirty cars in two rows. Seventeen spaces are located in the eastern row, perpendicular to and approximately two feet from the east side lot line. Thirteen spaces are located in the western row adjacent and at an angle to the alley. Access to all spaces is from the ten foot wide public alley which connects to P Street. The eastern row of spaces is accessible only by crossing the western row of spaces.

4. The lot is used by both the Petrovitch business and the Market Tire operation located immediately adjacent to Petrovich and directly across from the north end of the parking lot. Approximately eight to ten spaces are used by Market Tire, with the remainder used by the applicant.

5. The Petrovich business uses all three floors of the building it occupies. The first floor is used for automotive repair, the second floor for body and fender work, the third floor for painting and storage.

6. Row dwellings adjoing the parking lot along P Street and a small apartment building along Kingman Place

adjoins the lot to the north. The ten foot public alley separating the parking lot from the auto repair shop also forms the boundary between a C-M-3 District to the west and the R-5-B District wherein the parking lot is located. The R-5-B District encompasses the area around Logan Circle. To the north is an R-4 District and to the south is an R-5-C District and a C-2-B District. In general, 14th Street in this area is devoted to commercial uses and there are a number of auto repair shops and other automobile related business establishments within a few blocks north and south of P Street. The areas to the north and east are predominantly residential and include the Logan Circle area. Row dwellings, some of which are quite large, are the predominant buildings in these areas.

7. The subject auto repair shop and parking lot are in operation from Monday through Friday. There are fourteen employees. The lot is enclosed. There is no attendant on the lot. A customer leaves the car at the repair shop and it is driven to the parking lot by an employee of the applicant. The applicants clean and maintain the parking lot on a daily basis.

8. The subject parking lot was established by the Board in BZA Order No. 6923 dated September 24, 1962. It has been periodically continued since that date. In the prior Order, BZA No. 13204, dated August 25, 1980, the Board granted the continuance for a one year period. There was strong opposition to the lot at that time and the Board desired to monitor the lot. The general grounds of the opposition were that the applicants had not complied with the conditions of the previous Orders of the Board in that they had not met the requirements of Article 74 of the Zoning Regulations and that the continuation of the use did affect adversely the present character and future development of the neighborhood. More specifically, it was asserted that the parking lot was a nuisance to the community because of the problems which emanated from the lot such as disturbing noises, abandoned cars, litter, prostitutes, late night parking, use of the site on weekends by neighbors for their own auto repairs, congregatin of crowds in the evenings and weekends. The Board directed the staff to make an inspection of the site and file a report. The staff found on its inspection that the lot was not maintained in a first-class manner. It was paved with with an all-weather asphalt surface which had been patched many times in many places and was rough and uneven. The lines marking the spaces were faded and difficult to see. There were two signs marking the lot for private parking. Both were faded with peeling paint. One was leaning over at an angle. There were weeds, broken glass and other trash on the edges of the lot.

9. In granting an extension of one year, the Board, in addition to compliance with Article 74 of the Zoning Regulations, imposed the further conditions that: (a) the entire lot shall be resurfaced and relined; (b) the applicant shall clean the lot on a daily basis and maintain a log showing when and by whom such cleaning was accomplished; (c) the applicant shall erect a six feet wrought iron fence across the front of the lot and landscape the area in front of the fence with evergreen shrub hedges, (d) the present sign shall be eliminated.

10. At the subject hearing, the applicant testified that he had basically complied with all of the conditions imposed by the Board in the prior Order except for the landscaping. The shrubs the applicant planted were stolen and he had not replaced them as yet.

11. The applicant stated that he had received no complaints about the operation or maintenance of the lot, but rather compliments.

12. The Department of Transportation, by memorandum dated October 26, 1981, reported that it found the lot to be clean and in good condition. The DOT had no objection to the granting of the subject continued use. The Board concurs.

13. The applicants immediate neighbor who had testified in opposition at the prior hearing testified in qualified support of the application. He concurred that he and the applicants had worked out their problems and that the applicant had complied with the conditions of the prior Order except for the landscaping.

14. There was no opposition to the application either at the Public Hearing or of record.

15. Advisory Neighborhood Commission 2C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicants are seeking a special exception, the granting of which requires a showing of compliance with the requirements of the provisions of Paragraph 3104.44 of the Zoning Regulations. The Board concludes that with the conditions imposed hereinafter, the applicant will continue to satisfy the requirements of Paragraph 3104.44 of the Zoning Regulations and that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board compliments the applicants and the opposition for working together on their

common concerns. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of THREE years commencing from the date of the expiration of the last Certificate of Occupancy, namely, August 25, 1981.
- b. The applicant shall install, maintain and replace, as necessary, evergreen shrubs, such shrubs to have a height of at least two feet, six inches on planting and spaced so as to form a continous hedge in front of the existing fence.
- C. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- D. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- E. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- F. All parts of the lot shall be kept free of refuse or debris and shall be paved.
- G. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- H. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Charles R. Norris, Lindsley Williams, William F. McIntosh and Connie Fortune to grant, Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: MAY - 6 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.